

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**
Civil Action No. 1:21-cv-305-MR-WCM

FILED
ASHEVILLE, NC

APR 03 2024

BROTHER T. HESED-EL,

Plaintiff,

v.

ROBIN BRYSON, et al.,

Defendants.

Hand-Delivered

U.S. DISTRICT COURT
W. DISTRICT OF N.C.

BRIEF IN SUPPORT OF MOTION TO
STRIKE TREATING PHYSICIAN
EXPERT WITNESSES

COMES NOW, Plaintiff Brother T. Hesed-El ("Plaintiff") pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and respectfully files this Brief in Support of Plaintiff's Motion to Strike Defendants' Treating Physician Expert Witnesses.

INTRODUCTION

On January 29, 2024, Defendant designated Robin Bryson, Dr. Suzanne Collier, Roberto Hess, Al L. Lyons, Dr. Sarah Volk, Dr. Frederick Weigel, and Dr. Richard Zenn as *treating physician* expert witnesses. Plaintiff objects to those designations as they are not qualified as such.

ARGUMENT

Plaintiff hereby incorporates by reference Plaintiff's Theories of Recovery and Statement of Material Facts to Which There is No Genuine Issue for Trial, including all exhibits, attachments, and affidavits thereto as if fully stated in this paragraph.

Defendant Robin Bryson is not a witness who is qualified as an expert by knowledge, skill, experience, training, or education. She has not produced any proof of her academic credentials nor any proof that she operated under a DHHS waiver to conduct first commitment examinations. Bryson is not listed on the current list of involuntary commitment examiners. *See* Exhibit M. She has failed to follow the accepted procedures, standards, practice, and professional judgment required of an involuntary commitment examiner. Her testimony would only confuse the Court as


to the evidence or facts in issue. Moreover, she is not qualified to be designated as Plaintiff's treating physician given that she did not treat Plaintiff over a prolonged period of time.

The same goes for Dr. Suzanne Collier, Roberto Hess, Al L. Lyons, Dr. Sarah Volk, Dr. Frederick Weigel, and Dr. Richard Zenn. Those individuals are not qualified to be designated as Plaintiff's treating physicians given that they did not treat Plaintiff over a prolonged period of time. Moreover, their opinions that Plaintiff allegedly was delusional, grandiose, and hyper-religious were rendered without actually determining whether Plaintiff's thoughts, beliefs, and statements were consistent with his culture and background. Thus, their testimony would only confuse the Court as to the evidence or facts in issue.

CONCLUSION

"A "treating physician" is a physician who has observed the Plaintiff's condition over a prolonged period of time. *Mitchell v. Schweiker*, 699 F.2d 185, 187 (4th Cir. 1983)." *Joines v. Colvin*, 3:14-cv-00396-MOC, 6 (W.D.N.C. Mar. 18, 2015). Since the individuals named above did not provide continued observation of Plaintiff's condition over a prolonged period of time, they cannot be designated as treating physician expert witnesses.

Respectfully, this 24th day of Ramadan in the year 1445 A.H.



Bro. T. Hesed-El, Plaintiff *pro se*
c/o TAQI EL AGABEY MANAGEMENT
30 N Gould St, Ste. R, Sheridan, WY 82801
Ph: (762) 333-2075 / teamwork3@gmail.com

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of BRIEF IN SUPPORT OF MOTION TO STRIKE TREATING PHYSICIAN EXPERT WITNESSES has been sealed in an envelope with sufficient postage affixed thereon, and deposited into the exclusive custody of the United States Post Office, to ensure delivery to:

Robin Bryson and Mission Hospital Inc.

% Attorney Daniel H. Walsh
ROBERTS & STEVENS, P.A.
Post Office Box 7647
Asheville, North Carolina 28802
dwalsh@roberts-stevens.com

This 3rd day of April in the year 2024 of the Gregorian calendar.



Bro. T. Hese-El, Plaintiff *pro se*

EXHIBIT M

Welcome to IVC Commitment Examiner Database



Provisional Providers operate under the direct supervision of a physician or eligible psychologist and are able to complete first exam paperwork necessary for the involuntary commitment process

Provider List By LME-MCO

Search: Sort By: **LME-MCO** Select LME-MCO:

Vaya Health

Get Current Provider List

Number of Records : 151

| MCO | Other Contract MCO | LastName | FirstName | LicensureType | CertificationEndDate | Provisional Provider |
|-----------------|--|-----------|-----------|-----------------------------|----------------------|-----------------------------|
| Alliance Health | Vaya Health | Adams | Tereon | Masters or higher degree NP | 12/16/2024 | See Details |
| Alliance Health | Partners Behavioral Health, Vaya Health | Buchsbaum | Maria | LCSW | 07/05/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Clarke | Eboni | LCSW | 08/12/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Clarke | Pamela | LCMHC | 06/09/2026 | See Details |

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|-----------------|--|------------|-----------|-----------------------------|------------|-----------------------------|
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | DiGiovanni | Ruth | LCSW | 06/25/2026 | See Details |
| Alliance Health | Vaya Health | Engler | Katharine | LMFT | 02/18/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Fisher | Katherine | Masters or higher degree NP | 01/16/2027 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Floyd | Antonisha | LCSW | 09/21/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Hill | Autumn | LCSW | 01/09/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Hinds | Carmen | LCMHC | 11/02/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Johnson | J Crystal | LCMHC | 10/30/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Kretschmar | Justin | LCSW | 05/17/2026 | See Details |

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|-----------------|--|-----------------|---------|-------|------------|-----------------------------|
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Kretzschmar | Justin | LCAS | 05/17/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Ladd | Breegan | LCSW | 12/11/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | LaGrange-Lowery | Brenda | LCMHC | 04/03/2026 | See Details |
| Alliance Health | Trillium Health Resources, Vaya Health | Layton | Laurie | LCSW | 07/02/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Martin | Barbara | LCMHC | 04/17/2026 | See Details |
| Alliance Health | Trillium Health Resources, Vaya Health | McKinney | Clover | LCSW | 05/11/2024 | See Details |
| Alliance Health | Trillium Health Resources, Vaya Health | McKinney | Clover | LCAS | 05/11/2024 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Miller | David | LCSW | 02/15/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Neal | Malika | LCSW | 05/02/2025 | See Details |

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|-----------------|--|--------------|-----------|-----------------------------|------------|-----------------------------|
| Alliance Health | Trillium Health Resources, Vaya Health | Norris | Cheryl | Masters or higher degree NP | 10/25/2024 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Oree | Yvonne | LCSW | 10/16/2026 | See Details |
| Alliance Health | Vaya Health | Patterson | Sarah | LCSW | 04/03/2026 | See Details |
| Alliance Health | Vaya Health | Perry | Natasha | LCSW | 03/22/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Polkinghorne | Jane | LCSW | 07/16/2024 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Remington | Amber | Masters or higher degree NP | 03/01/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Ruffin | Traveante | LCSW | 02/04/2027 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Shields | Jessica | Masters or higher degree NP | 09/14/2025 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Smolko | Jamie | Masters or higher degree NP | 04/18/2025 | See Details |

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| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Sturdivant | Kimberly | LCMHC | 09/05/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Taylor | Luke | LCSW | 07/15/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Vannoy | Jason | PA | 07/20/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | Watkins | Lunday | LCSW | 05/12/2026 | See Details |
| Alliance Health | Partners Behavioral Health, Trillium Health Resources, Vaya Health | West | Denise | LCMHC | 03/22/2025 | See Details |
| Alliance Health | Vaya Health | Woods | Brandi | LCMHC | 10/09/2026 | See Details |
| Partners Behavioral Health | Vaya Health | Gardner-Cole | Stephanie | LCSW | 06/16/2026 | See Details |
| Partners Behavioral Health | Alliance Health, Trillium Health Resources, Vaya Health | Hough | Caitlyn | LCSW | 04/17/2026 | See Details |
| Partners Behavioral Health | Alliance Health, Trillium Health Resources, Vaya Health | Kilgore | Rachel | LCMHC | 03/05/2027 | See Details |

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| Partners Behavioral Health | Alliance Health, Trillium Health Resources, Vaya Health | Legrand | Rakia | LCMHC | 01/09/2026 | See Details |
| Partners Behavioral Health | Alliance Health, Vaya Health | McKnabb | Lakeisha | LCMHC | 02/01/2027 | See Details |
| Partners Behavioral Health | Alliance Health, Trillium Health Resources, Vaya Health | McMillian | Courtney | LCMHC | 10/25/2025 | See Details |
| Partners Behavioral Health | Alliance Health, Trillium Health Resources, Vaya Health | Vollmer | Michael | PA | 01/08/2027 | See Details |
| Partners Behavioral Health | Trillium Health Resources, Vaya Health | Wanner | Linda Jean | Masters or higher degree NP | 02/10/2025 | See Details |
| Tribal Option | Vaya Health | Cook | Mary | LCSW | 02/23/2026 | See Details |
| Tribal Option | Vaya Health | Cook | Mary | LCAS | 02/23/2026 | See Details |
| Tribal Option | Vaya Health | Keller | Bethany | LCMHC | 12/10/2024 | See Details |
| Tribal Option | Vaya Health | Lingafeldt | Elizabeth | LCSW | 02/13/2025 | See Details |
| Tribal Option | Vaya Health | McKnight | Rebekah | LCSW | 02/10/2025 | See Details |
| Tribal Option | Vaya Health | Stanley | Andrea | LCSW | 12/31/2024 | See Details |
| Tribal Option | Vaya Health | Szugye | Adrian | LCSW | 02/17/2025 | See Details |
| Trillium Health Resources | Vaya Health | Berry | Jason | Masters or higher degree NP | 01/15/2025 | See Details |
| Trillium Health Resources | Vaya Health | Christ | Krysta | LCSW | 02/21/2025 | See Details |
| Trillium Health Resources | Vaya Health | Cooper | Diana | Masters or higher degree NP | 07/08/2024 | See Details |

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| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Dennis-Brinson | Alisha | LCMHC | Provisional Provider | See Details |
| Trillium Health Resources | Partners Behavioral Health, Vaya Health | Earnhardt | Jerry | LCMHC | 06/15/2026 | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Enyeart | Jessica | PA | Provisional Provider | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Epps | Clyde | PA | 04/14/2025 | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Hopkins | Tanya | LCMHC | 09/20/2024 | See Details |
| Trillium Health Resources | Vaya Health | Jones | Tonya | LCSW | 03/22/2025 | See Details |
| Trillium Health Resources | Partners Behavioral Health, Vaya Health | LaBonte | Jennifer | LCMHC | 10/05/2024 | See Details |
| Trillium Health Resources | Partners Behavioral Health, Vaya Health | LaBonte | Jennifer | LCAS | 10/05/2024 | See Details |
| Trillium Health Resources | Vaya Health | Lord | Jamison | Masters or higher degree NP | 05/01/2026 | See Details |
| Trillium Health Resources | Partners Behavioral Health, Vaya Health | MCLEAN | TENISHA | LCMHC | 06/15/2025 | See Details |

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| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Montague | Crystal | Masters or higher degree NP | Provisional Provider | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Rankin | Shuvon | Masters or higher degree NP | 06/28/2025 | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Sanza | Daniel | PA | 05/14/2026 | See Details |
| Trillium Health Resources | Alliance Health, Vaya Health | Starkes Perry | Takia | Masters or higher degree NP | Provisional Provider | See Details |
| Trillium Health Resources | Alliance Health, Partners Behavioral Health, Vaya Health | Stevenson | Shaleta | LCSW | 01/25/2027 | See Details |
| Vaya Health | | Abbah | Theresa | Masters or higher degree NP | Provisional Provider | See Details |
| Vaya Health | | Abrahamson | Ingrid | PA | 08/06/2024 | See Details |
| Vaya Health | | Anderson | Carolyn | Masters or higher degree NP | 09/01/2024 | See Details |
| Vaya Health | | Barthold | Louise | Masters or higher degree NP | 12/06/2025 | See Details |
| Vaya Health | | Bell | Tracy | PA | 11/11/2026 | See Details |
| Vaya Health | | Bentley | Amanda | Masters or higher degree NP | 04/18/2025 | See Details |
| Vaya Health | | Bournes | Roshelle | LCSW | 09/26/2025 | See Details |
| Vaya Health | | BOWERS | DECORA | LCMHC | Provisional Provider | See Details |

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| Vaya Health | Bradford | Melanie | Masters or higher degree NP | 01/27/2026 | See Details | |
| Vaya Health | Brown | Michael | LCSW | Provisional Provider | See Details | |
| Vaya Health | Chaiken | Eric | LCMHC | Provisional Provider | See Details | |
| Vaya Health | Claeys | Teresa | LCSW | 03/04/2027 | See Details | |
| Vaya Health | Closson | Leandra | LCMHC | 05/09/2025 | See Details | |
| Vaya Health | Darress | Linda | LCSW | 09/16/2025 | See Details | |
| Vaya Health | Davis | Melissa | LCSW | 06/01/2026 | See Details | |
| Vaya Health | de Beer | Christopher | LCSW | 03/05/2027 | See Details | |
| Vaya Health | Earley | Christina | LCSW | 02/01/2026 | See Details | |
| Vaya Health | Farrier | Hanna | LCSW | 12/20/2026 | See Details | |
| Vaya Health | Felty | Emily | LCSW | 11/15/2025 | See Details | |
| Vaya Health | Fischer | Kevin | PA | 04/26/2025 | See Details | |
| Vaya Health | Partners Behavioral Health: | Fite | Donna | LCMHC | 11/08/2025 | See Details |
| Vaya Health | Flynn | Michael | PA | 01/16/2025 | See Details | |
| Vaya Health | Fox | Tatyana | Masters or higher degree NP | 03/04/2027 | See Details | |
| Vaya Health | Glover | Billie | LCMHC | 01/16/2027 | See Details | |
| Vaya Health | Glover-Mays | Gwen | LCMHC | Provisional Provider | See Details | |

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| Vaya Health | | Graham | Vanessa | Masters or higher degree NP | 04/27/2024 | See Details |
| Vaya Health | Alliance Health, Partners Behavioral Health, Trillium Health Resources | Griffith | Amy | LCMHC | 06/14/2024 | See Details |
| Vaya Health | | Halpern | Migs | LCSW | 01/01/2026 | See Details |
| Vaya Health | | Hamm | Jacob | LCSW | 01/26/2026 | See Details |
| Vaya Health | | Hargrave | Tiffani | LCSW | 01/28/2026 | See Details |
| Vaya Health | | Harris | Colin | LCSW | 06/05/2026 | See Details |
| Vaya Health | | Harrison | R Thomas | LCSW | 01/03/2026 | See Details |
| Vaya Health | | Hart | Christopher | LCSW | 11/22/2026 | See Details |
| Vaya Health | | Hopkins | Courtney | LCSW | 12/15/2024 | See Details |
| Vaya Health | | Hubbard | Nova | LCSW | 01/23/2026 | See Details |
| Vaya Health | | Huffman | Sara | LCSW | 12/05/2026 | See Details |
| Vaya Health | | Iheanacho | Tiffany | LCMHC | 05/10/2025 | See Details |
| Vaya Health | | Jordan | Cindy | LCMHC | 11/15/2026 | See Details |
| Vaya Health | | Keating | Rosh | LCSW | 02/04/2025 | See Details |
| Vaya Health | | Knight | Daniel | Masters or higher degree NP | Provisional Provider | See Details |
| Vaya Health | | Langenbahn | Courtney | LCMHC | 02/04/2025 | See Details |
| Vaya Health | | Lanier | Valerie | LCSW | 02/01/2025 | See Details |

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|-------------|---------------------------|----------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Vaya Health | Long | Denise | LCMHC | 01/03/2026 | See Details | |
| Vaya Health | Long | Denise | LCAS | 01/03/2026 | See Details | |
| Vaya Health | Lopez | Breanna | LCSW | 11/12/2024 | See Details | |
| Vaya Health | Lucas | Linda | LCSW | 09/01/2024 | See Details | |
| Vaya Health | Mace | Abigail | LCSW | 12/14/2025 | See Details | |
| Vaya Health | Mahoney | Kelly | Masters or higher degree NP | 10/17/2025 | See Details | |
| Vaya Health | Moore | Lauren | LCMHC | 06/01/2024 | See Details | |
| Vaya Health | Morgan | Brandon | PA | 04/03/2026 | See Details | |
| Vaya Health | Nnaji | Ngozi | Masters or higher degree NP | 05/14/2024 | See Details | |
| Vaya Health | Okibedi-Mott | Margaret Adaku | LCSW | 03/15/2026 | See Details | |
| Vaya Health | Oulette | Brienna | LCSW | 03/15/2025 | See Details | |
| Vaya Health | Passmore | Brandon | Masters or higher degree NP | Provisional Provider | See Details | |
| Vaya Health | Patterson | Kristina | LCMHC | 12/01/2025 | See Details | |
| Vaya Health | Perry | Marion | LCMHC | 09/02/2025 | See Details | |
| Vaya Health | Perry | Marion | LCAS | 09/01/2025 | See Details | |
| Vaya Health | Trillium Health Resources | Puzak | Hilary | Masters or higher degree NP | Provisional Provider | See Details |
| Vaya Health | Reece | Brittany | LCSW | 08/14/2026 | See Details | |

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| Vaya Health | Robarge | J Belinda | PA | 11/07/2025 | See Details |
| Vaya Health | Robertson-Turner | Angela | Masters or higher degree NP | 12/26/2024 | See Details |
| Vaya Health | Saltin | David | PA | 02/15/2025 | See Details |
| Vaya Health | Sargent | Julie | LCSW | 07/05/2025 | See Details |
| Vaya Health | Schiavone | Loren | LMFT | 06/14/2025 | See Details |
| Vaya Health | Alliance Health, Trillium Health Resources | Scott Thomas Reginald | LCSW | 11/09/2025 | See Details |
| Vaya Health | Skinner | Ann | PA | 10/04/2024 | See Details |
| Vaya Health | Smith | Julie | LMFT | 08/03/2026 | See Details |
| Vaya Health | Sowa | Darlene | LCMHC | 10/22/2025 | See Details |
| Vaya Health | Partners Behavioral Health | Spake Carl | LCAS | Provisional Provider | See Details |
| Vaya Health | Sterling | Anthony | PA | 04/26/2025 | See Details |
| Vaya Health | Strack | Jason | LCMHC | 09/01/2025 | See Details |
| Vaya Health | Summey | Meghan | LCSW | 12/02/2025 | See Details |
| Vaya Health | Thompson | Jacqueline | Masters or higher degree NP | 12/06/2025 | See Details |
| Vaya Health | Tysinger | Tanya | LCSW | 11/21/2025 | See Details |
| Vaya Health | Urbaniak | Christine | Masters or higher degree NP | Provisional Provider | See Details |
| Vaya Health | Ward | Casey | PA | Provisional Provider | See Details |

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|-------------|----------------------------|-----------------|----------|-----------------------------|------------|-----------------------------|
| Vaya Health | | West | Natalie | Masters or higher degree NP | 06/10/2024 | See Details |
| Vaya Health | | Williams Stacey | Shela | LCSW | 09/07/2024 | See Details |
| Vaya Health | | Wisda | Michelle | LCSW | 01/16/2027 | See Details |
| Vaya Health | | Withrow | John | Masters or higher degree NP | 07/06/2026 | See Details |
| Vaya Health | Partners Behavioral Health | Woodstock | Jennifer | PA | 03/28/2026 | See Details |
| Vaya Health | | Youngblood | Beth | LCSW | 12/15/2024 | See Details |